

## REMARKS

In response to the Office Action mailed September 27, 2004, the present application has been carefully reviewed and amended. Entry of the foregoing amendments and reconsideration of the application are respectfully requested.

### Allowable subject matter

*Claims 2, 3, 12, 14, 18, 19 and 26-29*

Claims 2, 3, 12, 14, 18, 19 and 26-29 were deemed to define over the references of record, and have been amended to place the claims in condition for allowance.

### Withdrawn claims

Claims 4-9, 13, 15, and 20-25 are withdrawn.

### Rejections

*Claims 1, 10, 11, 16 and 17*

Claims 1, 10, 11, 16 and 17 stand rejected under 35 USC §102(b) as being anticipated by Wolzinger (US 5,271,410).

*Claims 1 and 10*

Claims 1 and 10 have been amended to incorporate the subject matter set forth by the examiner deemed to define over the references of record. Thus, Claims 1 and 10 are believed to be in condition for allowance.

*Claims 11 and 16*

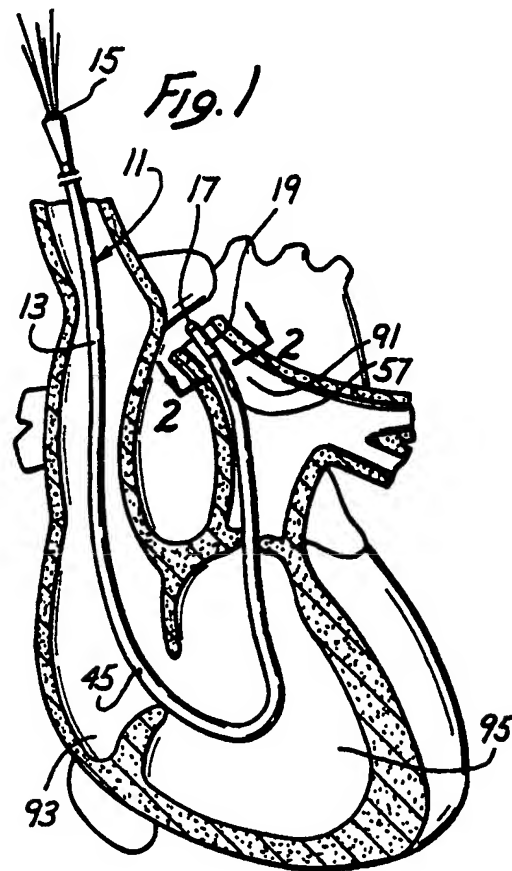
Independent Claim 11 has been amended to incorporate the subject matter set forth by the examiner deemed to define over the references of record. Thus, Claim 11 is believed to be in condition for allowance.

Claim 16 depends from Claim 11 and includes all the limitations thereof, and is thus believed to be in condition for allowance.

*Claim 17*

Independent Claim 17 recites in part "locating a catheter in a retrograde orientation in the conduit to dispose a distal end of the catheter upstream of the thermal dilution sensor..."

In contrast, Wolzinger discloses a catheter in an antegrade orientation, wherein the distal end 17 of the catheter 11 is downstream of the thermistor 57.



As stated in Wolzinger:

For example, to calculate ejection fraction, the tube 13 is inserted into the heart so as to place the injectate port 45 in the right atrium 93, the thermistor 57 into the pulmonary artery 91 and the distal end 17 into the pulmonary artery 91 as shown in FIG. 1. A bolus of cold fluid is then injected into the right atrium 93 through the injectate port 45 and allowed to mix with the bloodstream in the right ventricle 95. The blood and cold fluid mixture flow along the catheter tube and over the thermistor 57 in the pulmonary artery 91. The tempera- [Col. 7.]

That is, the distal end of the Wolzinger catheter is downstream of the thermistor 57. The limitation of Claim 17 is therefore expressly contrary to the cited reference. Applicant submits the rejection under 35 USC §102 has been overcome.

#### Newly added Claims 30-38

##### *Claims 30-35*

Claims 30-35 depend from the amended claims which are believed to incorporate the subject matter deemed to be allowable, and thus are in condition for allowance.

##### *Claim 36*

Independent Claim 36 recites in part "a catheter in a retrograde position in the conduit, the retrograde position locating a distal end of the catheter upstream of the thermal dilution sensor."

As the limitation is opposite to that of the cited reference, Claim 36 is in condition for allowance.

##### *Claim 37*

Independent Claim 37 recites in part "locating a catheter in a retrograde orientation in the flow to dispose a distal end of the catheter upstream of a thermal dilution sensor".

As the limitation is opposite to that of the cited reference, Claim 37 is in condition for allowance.

*Claim 38*

Independent Claim 38 recites in part "locating a catheter in a retrograde orientation in the flow to dispose a distal end of the catheter upstream of a flow parameter sensor".

As the limitation is opposite to that of the cited reference, Claim 38 is in condition for allowance.

Therefore, Claims 1-3, 10-12, 14, 16-19 and 26-38 are believed to be in condition for allowance, and such action is earnestly solicited. If, however, the examiner feels any further issues remain, he is cordially invited to call the undersigned so that any such issues can be promptly resolved.

Respectfully submitted,

  
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